



Newcastle Coal
INFRASTRUCTURE GROUP



2019 Compliance
Tracking Program –
Project Approval
06 0009



DOCUMENT CONTROL

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1.0 INTRODUCTION

1.1 PURPOSE OF THIS REPORT

This Compliance Tracking Program (CTP) report has been prepared by the Newcastle Coal Infrastructure Group (NCIG) Coal Export Terminal (CET) (the Project). This report specifically aims to address the requirements of Condition 5.1, Schedule 2 of the Project Approval (06_0009). Each component of this condition is addressed in this report (Table 1).

This report has been prepared in accordance with all relevant conditions of Project Approval 06_0009 and in general accordance with the Department of Planning and Environment Compliance Reporting Post Approval Requirements (June 2018).

Table 2: Condition 5.1, Schedule 2 of Project Approval (06_0009)

Project Approval (06_0009) Condition	Section Addressed in this Document
5. COMPLIANCE MONITORING AND TRACKING Compliance Tracking Program <i>5.1 The Proponent shall develop and implement a Compliance Tracking Program to track compliance with the requirements of this approval. The Program shall include, but not necessarily limited to:</i>	This CTP
<i>a) provisions for periodic review of the compliance status of the project against the requirements of this approval;</i>	Section 2.1
<i>b) provisions for periodic reporting of compliance status to the Director-General;</i>	Section 2.2
<i>c) a program for independent environmental auditing at least annually, or as otherwise agreed by the Director-General, in accordance with ISO 19011:2002 - Guidelines for Quality and/ or Environmental Management Systems Auditing; and</i>	Section 2.3
<i>d) mechanisms for rectifying any non-compliance identified during environmental auditing or review of compliance.</i>	Section 2.4

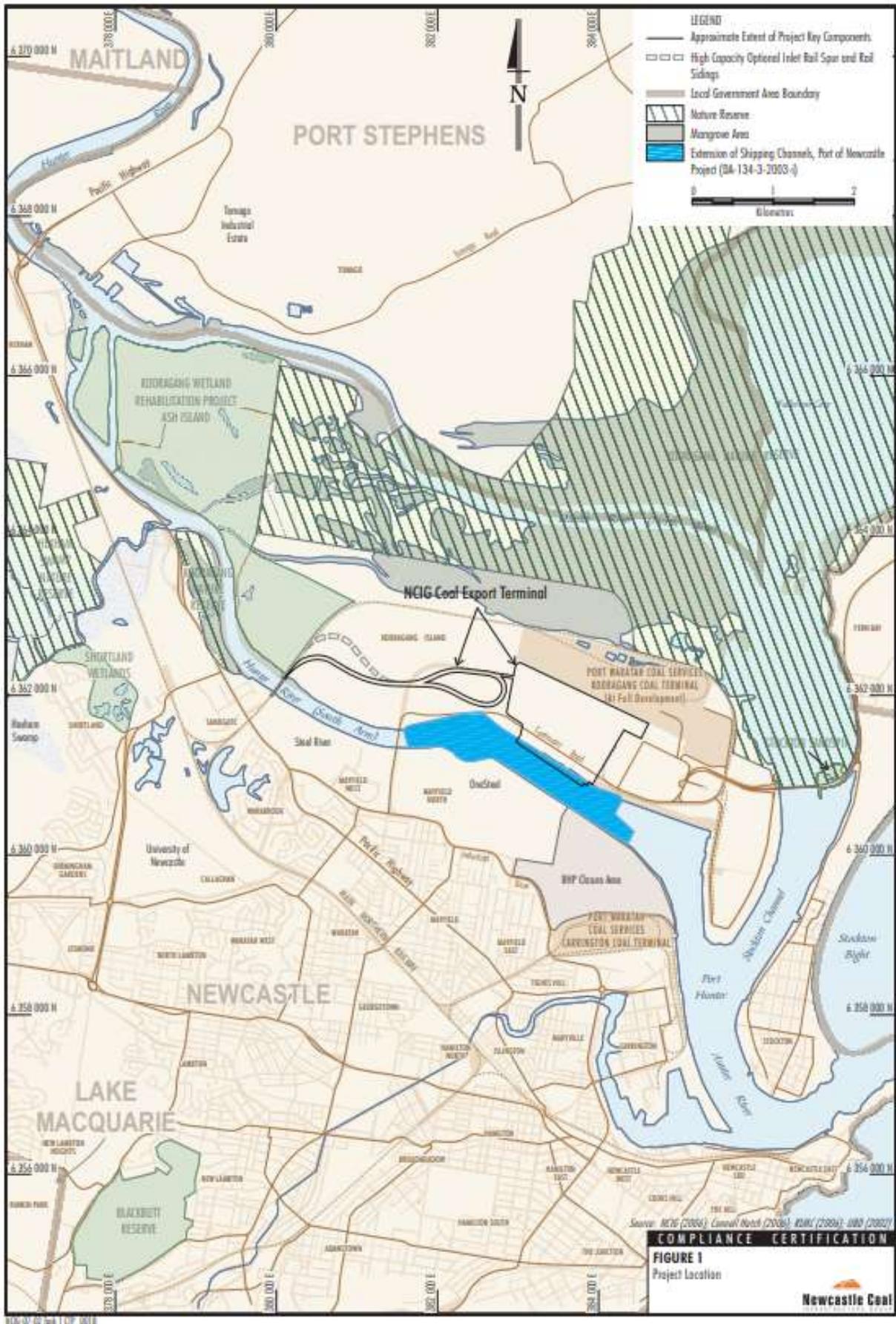
1.2 BACKGROUND

NCIG is located on Kooragang Island in Newcastle, New South Wales (Figure 1). The Project includes the construction and operation of a CET up to 66 million tonnes per annum (Mtpa), including associated rail and coal handling infrastructure and wharf/shiploading facilities on the south arm of the Hunter River.

NCIG was granted Project Approval (06_0009) on 13 April 2007. Project Modifications were approved on 27 November 2007 and 13 May 2013. An overview of the Project and details of this report are contained in Table 2

Table 2: Project Overview and details of this report

Project Name	Newcastle Coal Infrastructure Group
Project Application Number	006_0009
Site Address	NCIG Coal Terminal, Cormorant Road, Kooragang NSW 2304
Name of Compliance Report	Project Approval 06_0009 Compliance Tracking Program report – 2019 (Operation Compliance Report)
Dates covered by the Compliance Report	This report covers the auditing period of 1 April 2018-31 March 2019
Summary of project activities that occurred during the reporting period	During the reporting period, the following project activities occurred, as described in the Project Approval: <ul style="list-style-type: none">• Operation of the coal export terminal up to a capacity of 66 million tonnes per annum of coal, including the unloading of coal trains, the stockpiling of coal, and the loading of coal ships via the wharf facilities and shiploaders.
Name and contact details of key personnel	NCIG Approved Environmental Representative – Nathan Juchau: <ul style="list-style-type: none">- Email: njuchau@ncig.com.au- Phone: 02 4920 3965



2.0 COMPLIANCE TRACKING PROGRAM

2.1 PERIODIC REVIEW OF COMPLIANCE STATUS

Periodic reviews of the Project's compliance status against the requirements of Project Approval (06_0009) will be conducted in accordance with Condition 5.1(a), Schedule 2 of Project Approval (06_0009).

Project Approval (06_0009) contains general conditions relevant to the entire Project and specific conditions relevant to each of the development phases described in Section 1. The compliance tracking of the Project has been completed at each of the development phases as outlined in Table 3.

Table 3: Schedule for Compliance Status Review

Project Development Phase	Compliance Status Review Timing	Responsibility	Status
Construction	Prior to the commencement of construction of the Project and then six monthly thereafter.	NCIG Environmental Representative	Complete
Operation	Prior to the commencement of operation of the Project and then annually thereafter.	NCIG Environmental Representative	Ongoing

2.2 REPORTING OF THE COMPLIANCE STATUS TO THE DEPARTMENT

In accordance with Condition 5.1(b), Schedule 2 of Project Approval (06_0009), this CTP report will be provided to the Secretary (previously Director-General). The CTP Report will be provided to the Secretary within 1 month of each compliance status review. This compliance status review was undertaken in April 2019 and as mentioned in Table 1, this report covers the auditing period of 1 April 2018 - 31 March 2019.

In addition, in accordance with Condition 6.4, Schedule 2 of Project Approval (06_0009), the CTP will be made available on the NCIG website. The CTP will be placed on the NCIG website within 1 month of each compliance status review.

2.3 INDEPENDENT ENVIRONMENTAL AUDITING

An Independent Environmental Audit will be conducted on a 3-yearly basis (as agreed by the Director-General's delegate in letter dated 14 July 2016) in accordance with Condition 5.1(c), Schedule 2 of Project Approval (06_0009). The Independent Environmental Audit will be conducted by a suitably qualified independent person

and in accordance with *ISO 19011:2002 Guidelines for Quality and/or Environmental Management Systems Auditing*.

The first Independent Environmental Audit was conducted within 12 months of the commencement of construction. This was conducted annually until 2015 and then 3-yearly thereafter, with the most recent Independent Environmental Audit conducted in December 2018. The next Independent Environmental Audit will be conducted in December 2021.

In accordance with Condition 6.4, Schedule 2 of Project Approval (06_0009), the outcomes of the Independent Environmental Audit have been, and will continue to be made available on the NCIG website.

2.4 NON-COMPLIANCE RESPONSE MECHANISM

In accordance with Condition 5.1(d), Schedule 2 of Project Approval (06_0009), presented below is the Non-compliance Response Mechanism to be implemented in the event that a non-compliance with Project Approval (06_0009) is identified. The objective of the Non-compliance Response Mechanism is to rectify any identified non-compliance. The NCIG Environmental Representative will be responsible for the implementation of the Non-compliance Response Mechanism.

The Non-compliance Response Mechanism process of identifying and rectifying a non-compliance with Project Approval (06_0009) will involve the following elements:

1. Identification of the Non-compliance

Non-compliances will likely be identified by a Compliance Status Review, Independent Environmental Audit, or by the NCIG Environmental Representative. The relevant details of the non-compliance will be recorded and relevant NCIG representatives will be notified by the NCIG Environmental Representative. The details of any non-compliance will be provided to the Secretary within 1 month of the compliance status review.

2. Development of Management Strategy

A management strategy will be developed to determine appropriate actions that will be utilised to address the non-compliance to comply with Project Approval (06_0009). This may necessitate the need for further investigation of the particulars of the non-compliance and consultation with government authorities and relevant NCIG representatives. Appropriate action will depend on the nature of the individual non-compliance. The proposed actions that have been devised to rectify an identified non-compliance will be provided to the Secretary within 1 month of the compliance status review.

3. Implementation

The implementation of the actions chosen in the management strategy process will be undertaken in a timely manner. The proposed timing of the implementation of actions and/or management measures will be provided to the Secretary alongside the actions, as detailed above.

4.0 COMPLIANCE STATUS SUMMARY

A total of one (1) non-compliance against the Project Approval (06_0009) was identified during this compliance review. The details of the non-compliance are contained in Table 4. Further details and evidence of compliance against all other conditions are contained in the Compliance Table located in Appendix A.

Table 4: Non-compliances identified in the 2019 Compliance Tracking Program

Unique ID	Compliance Requirement	Details of non-compliance	Action
Project Approval 06_0009			
2.42	Unless otherwise agreed by the Director-General, the Proponent shall design, construct, maintain and operate surface water and stormwater management infrastructure on the Site to accommodate a 1 in 100 ARI rainfall event, and shall not permit the discharge of any water from the Site to the Hunter River unless expressly provided under the provision of an Environment Protection Licence.	<p>NCIG have designed, constructed, maintained and operated surface water and stormwater management infrastructure to accommodate a 1 in 100 ARI rainfall event of 2 hour duration (Drainage Assessment Report for the Stockyard and Wharf Areas, 2014).</p> <p>During this reporting period, stormwater overflow from NCIG's Clearwater Pond occurred in June 2018, during a period of prolonged heavy rainfall which exceeded the design volumetric capacity of NCIG's surface water infrastructure. (NCIG Water Quality Monitoring Database).</p> <p>Previous evidence: Correspondence with the Environmental Protection Authority (EPA) and Department of Planning and Environment (DPE) since 2015: - Overflow event communicated with EPA – 15/5/15 - The EPA responded stating no EPL compliance issues with recent overflow event, based on the water quality monitoring results. The EPA stated there is no need for a specific licence condition to authorise the discharge of water from the premises where waters are not being polluted. – 24/8/15</p>	NCIG is currently in the process of speaking to the EPA regarding this condition. As outlined in NCIG's Response to Auditor Recommendations provided to the Department in March 2019, NCIG will seek to obtain clarity from the EPA in regard to this matter and will re-engage DPE before 30 th June 2019 to address this condition.

		<ul style="list-style-type: none">- EPL varied by EPA to include discharge and ambient water monitoring – 10/3/16- DPE provided acknowledgement of works NCIG had completed to date in relation to this condition - 24/10/16. <p>The 2018 Independent Environmental Audit identified this condition to be non-compliant as EPL 12693 does not expressly provide for the discharge of water from site. NCIG is currently in the process of clarifying this condition as outlined in NCIG's Response to Auditor Recommendations.</p>	
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5.0 PREVIOUS REPORT ACTIONS

A table of actions arising from the previous Independent Environmental Audit (Table 5) and Compliance Tracking Program report (Table 6) has been provided below for record consistency and demonstration of non-compliance rectification.

Table 5: Actions arising from the previous Independent Environmental Audit (December 2018)

Unique ID	Requirement	Actions arising from previous Independent Environmental Audit (December 2018)	Outcome/progress made from each action
Project Approval (06_0009)			
2.42	Unless otherwise agreed by the Director-General, the Proponent shall design, construct, maintain and operate surface water and stormwater management infrastructure on the Site to accommodate a 1 in 100 ARI rainfall event, and shall not permit the discharge of any water from the Site to the Hunter River unless expressly provided under the provision of an Environment Protection Licence.	NCIG will seek to obtain clarity from the EPA regarding this matter and will re-engage DPE before 30 th June 2019 to address this condition.	As mentioned in Table 4, NCIG is currently in the process of speaking to the EPA regarding this condition. As detailed in the Response to Auditor Recommendations provided to the Department in March 2019, NCIG will re-engage DPE before 30 th June 2019.
2.50	In the event that stormwater runoff collection cannot meet the water demand of the Site, treated wastewater, if available from the relevant water authority, shall be used preferentially over potable water for the purposes of dust control, unless otherwise agreed by the Director-General.	NCIG will engage with Hunter Water regarding the feasibility of using treated wastewater over the next 12 months. An update will be provided to DPE regarding the progress and outcome of this discussion by 31 st March 2020.	NCIG will continue to engage with Hunter Water over the coming months as outlined in NCIG's Response to Auditor Recommendations provided to the Department in March 2019.
NCIG Draft Statement of Commitments			
Section 4.4.3	Construction and operational air quality and odour Greenhouse Gas - Mitigation Measures would include: <ul style="list-style-type: none"> regular on-site energy audits to optimise energy efficiency; consideration of energy efficiency in plant and equipment election/purchase; 	NCIG have engaged a consultant to undertake an environmental footprint assessment, including an energy efficiency assessment and provide options for improvement. NCIG will confirm with DPE before 30th June 2019 that NCIG have commenced the assessment.	NCIG have recently been working with a consultant to define the scope of services for this assessment. As outlined in NCIG's Response to Auditor Recommendations provided to the

	<ul style="list-style-type: none"> regular maintenance of plant and equipment to minimise fuel consumption and associated emissions; planting of native vegetation, as part of visual screens in select locations around the site; and installation of solar-powered monitoring equipment and other instrumentation where practicable. 		Department in March 2019, NCIG will confirm with DPE before 30 th June 2019 that the assessment has commenced.
Section 4.13.3	<p>Socio-economics</p> <p>The Project would continue to consult with the local community and would establish a Community Consultative Committee for the Project as an ongoing channel for communication between the local community and NCIG. The CCC would comprise similar membership to the current SFG and would meet to discuss development progress, to review the general environmental performance of the Project and to discuss and issues raised by the community.</p>	NCIG's first Community Engagement Meeting will occur before 30 th June 2019.	NCIG held their first Community Engagement Group (CEG) Meeting on 30 th April 2019, with six community representatives and six NCIG representatives in attendance. Meeting are intended to be held approximately once every 4 months moving forward.

Table 6: Actions arising from the previous Compliance Tracking Review (April 2018)

Unique ID	Requirement	Actions arising from previous Compliance Review (April 2018)	Outcome/progress made from each action
2.50	In the event that stormwater runoff collection cannot meet the water demand of the Site, treated wastewater, if available from the relevant water authority, shall be used preferentially over potable water for the purposes of dust control, unless otherwise agreed by the Director-General.	Consult further with Hunter Water Corporation regarding the feasibility of wastewater usage for industrial purposes or other water efficiency measure.	<p>During the reporting period NCIG and Hunter Water developed a Water Efficiency Management Plan (WEMP). The WEMP contains an Action Plan to continually improve water efficiency, including the investigation of alternate process water supplies.</p> <p>NCIG will continue to engage with Hunter Water over the coming</p>

			months as outlined in NCIG's Response to Auditor Recommendations provided to the Department in March 2019.
6.2	<p>Prior to the commencement of construction of the project, the Proponent shall ensure that the following are available for community complaints and enquiries for the life of the project (including construction and operation):</p> <p>a) a telephone number on which complaints and enquiries about construction and operational activities at the Site may be registered.</p> <p>b) a postal address to which written complaints and enquires may be sent.</p> <p>c) an email address to which electronic complaints and enquiries may be transmitted.</p> <p>The telephone number, the postal address and the email address shall be displayed on a sign near the entrance to the Site, in a position that is clearly visible to the public, and which clearly indicates the purposes of the sign. This information is also to be provided on the Proponent's website.</p>	An order has been placed for new signage which will be installed by June 2018.	Signage, as required by this condition, was installed at the main entrance and the entrance to the wharf in May 2018.

6.0 INCIDENTS AND COMPLAINTS

In accordance with Condition 8.2, Schedule 2 of the Project Approval (06_0009), NCIG maintained an Incident Register throughout the reporting period.

No reportable incidents associated with NCIG operations were identified for the reporting period.

7.0 COMPLAINTS

In accordance with Condition 6.2, Schedule 2 of Project Approval (06_0009), NCIG made available a complaints/enquires telephone line, postal address and email address. All complaints and enquiries were recorded in accordance with Condition 6.3, Schedule 2 of the Project Approval (06_0009).

A summary of the complaints/enquiries is provided in Table 7. NCIG received five enquiries/complaints during the reporting period. Of these five complaints/enquiries, two were in regard to NCIG operations. The other three were not pertaining to NCIG operations. The appropriate actions were taken for each complaint/enquiry received during the reporting period and no further actions are required.

Table 7: Summary of all enquiries and complaints received during the reporting period

Complaint/Enquiry Category	Number of Enquiries/Complaints Received During Reporting Period
Air	2 (note - this includes one complaint received that was not in relation to NCIG operations)
Water	0
Noise	1 (note – this complaint was not in relation to NCIG operations)
Waste	0
Other	2 (note- this includes one enquiry received that was not in relation to NCIG operations)
Total number of enquiries/complaints received during the reporting period	5 (Note - three of the five complaints/enquires received were not in relation to NCIG operations)

8.0 APPENDICES

APPENDIX A: COMPLIANCE TABLE

Unique ID	Compliance Requirement	Compliance Status	Development Phase	Evidence and Comments	Monitoring Methodology
Project Approval 06_0009/MOD1/MOD2					
1.1	<p>The Proponent shall carry out the project generally in accordance with the:</p> <p>a) Major Projects Application 06_0009;</p> <p>b) <i>Environmental Assessment: Newcastle Coal Infrastructure Group Coal Export Terminal</i>, prepared by Resource Strategies Pty Ltd and dated July 2006;</p> <p>c) <i>Responses to Submissions</i>, prepared by Newcastle Coal Infrastructure Group and dated December 2006; and</p> <p>d) Plan of subdivision titled <i>Stage 1 Proposed Subdivision of Lot 122 DP 874949, Lot 2 DP 581473, Lot 6 DP 1015754 and Lots 71 and 74 DP 1119950, Stages 2 and 3 Proposed Subdivision of Lot 20 DP 262325</i> (surveyors reference HW43.01.03.00) prepared by Paul John Stivano and undated; and plan of subdivision titled <i>Plan of Subdivision of Lot 122 DP 874949, Lot 2 DP 581473, Lot 6 DP 1015754 and Lots 71 and 74 DP 1119950</i> (surveyors reference HW43.01.03.00) prepared by Paul John Stivano and dated 2 November 2007;</p> <p>e) modification application MP 06_0009 MOD 2 and supporting document titled <i>Newcastle Coal Infrastructure Group Coal (NCIG) Export Terminal Rail Flyover Modification Environmental Assessment</i> prepared by NCIG and dated June 2012, as modified by the Response to Submissions document prepared by NCIG and dated 6 December 2012; and</p> <p>f) the conditions of this approval.</p>	Compliant	At all times	<p>Major Projects Application Number 06_0009</p> <p>Plan of subdivision titled Stage 1 Proposed Subdivision of Lot 122 DP 874949, Lot 2 DP 581473, Lot 6 DP 1015754 and Lots 71 and 74 DP 1119950, Stages 2 and 3 Proposed Subdivision of Lot 20 DP 262325, 2 November 2007;</p> <p>Modification Application MP 06_0009 MOD 2, NCIG Export Terminal Rail Flyover Modification Environmental Assessment, 6 December 2012; Consolidated Project Approval 06_009, May 2013</p> <p>Environmental Assessment: Newcastle Coal Infrastructure Group Coal Export Terminal, Resource Strategies Pty Ltd, July 2006.</p>	Track and compare documents against actual performance
1.2	<p>In the event of an inconsistency between:</p> <p>a) the conditions of this approval and any document listed from condition 1.1a) to 1.1e) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and</p> <p>b) any document listed from condition 1.1a) to 1.1e), the most recent document shall prevail to the extent of the inconsistency.</p>	Noted	At all times	NA	NA
1.3	<p>The Proponent shall comply with any reasonable requirement(s) of the Director-General arising from the Department's assessment of:</p> <p>a) any reports, plans or correspondence that are submitted in accordance with this approval; and</p> <p>b) the implementation of any actions or measures contained in these reports, plans or correspondence.</p>	Compliant	At all times	<p>NSW Department of Planning and Infrastructure letter (dated 9/9/2013) RE: NCIG Coal Export Terminal, Kooragang Island (MP 06_0009) - Condition 1.6 (Limits of Approval).</p> <p>ARTC letter to NCIG (dated 24/12/2009) RE: ARTC Connection Agreement (Outside the Rail Corridor)</p> <p>NCIG letter to NSW Department of Planning and Infrastructure letter (dated 16/08/2013) RE: Condition 1.6 of MP 06_0009.</p>	Review and track all correspondence with the Department
1.4	<p>This approval shall lapse five years after the date on which it is granted, unless the works the subject of this approval are physically and substantially commenced on or before that time.</p>	Not triggered	Prior to construction	<p>The works physically and substantially commenced prior to five years before the date the approval was granted. This condition has been identified as no longer relevant.</p>	NA
1.5	<p>The project shall be limited to a maximum export capacity of 66 million tonnes of coal per annum.</p>	Compliant	Operations	<p>53.4 million tonnes were exported in the 2018 financial year.</p> <p>2018 AEMR</p> <p>Vessel Draft Survey Tonnes</p> <p>Outbound belt weight data</p>	Compare Vessel Draft Survey Tonnes and outbound belt weight data to published reports.
1.6	<p>The Proponent may only proceed to construct the infrastructure marked as High Capacity Optional Inlet Rail Spur and Rail Sidings upon receipt of the Director-General's satisfaction that:</p> <p>a) the Compensatory Habitat and Ecological Monitoring Program required under condition 2.20 is being implemented according to the timeframes required, or to the extent agreed by the Director-General; and</p> <p>b) the Proponent has complied with rail infrastructure design requirements required to in condition 2.39 of this approval.</p>	Not triggered	Prior to construction (of Flyover)	<p>Not triggered during audit period - condition identified as complete.</p>	NA

Unique ID	Compliance Requirement	Compliance Status	Development Phase	Evidence and Comments	Monitoring Methodology
1.7	The Proponent shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the project. No condition of this approval removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals. The Proponent shall ensure that a copy of this approval and all relevant environmental approvals are available on the Site at all times during the project.	Compliant	At all times	EPL 12693 PA 06_0009 / Mod 1 / Mod 2 NCIG Legal Register NCIG Compliance Register	Track and periodically review NCIG Legal and Compliance Registers
1.7(a)	Prior to the issue of the Subdivision Certificate, the Proponent shall provide to the relevant certifying authority evidence that all easements and covenants required by this approval have been or will be registered for the subdivision.	Not triggered	Prior to construction	Not triggered during audit period - condition identified as complete.	NA
1.8	The Proponent shall ensure that all practicable measures shall be taken to prevent and minimise harm to the environment as a result of the construction, operation, and where relevant, decommissioning of the development.	Compliant	At all times	NCIG IEA 2018 NCIG Incident Register	Routine site Inspections Internal Auditing Monitor Incident Register
1.9	The Proponent shall ensure that all plant and equipment installed at the premises or used in conjunction with the project must be: a) Maintained in a proper and efficient condition; and b) Operated in a proper and efficient manner.	Compliant	At all times	Maintenance Management System and related maintenance schedules and records.	Review scheduled and completed maintenance work orders
1.10	With the approval of the Director-General, the Proponent may prepare and submit any management plan or monitoring program required by this approval on a progressive basis. Where a management plan and monitoring program is required before carrying out any development or stage of development, the plans/programs may be prepared and submitted in relation to either discrete components of the project or for a specified time period.	Not triggered	At all times	Not triggered during audit period.	NA
2.1	The Proponent shall not permit any offensive odour, as defined under section 129 of the <i>Protection of the Environment Operations Act 1997</i> , to be emitted beyond the boundary of the Site.	Compliant	At all times	NCIG Complaints Register NCIG Incidents Register NCIG Operation Environmental Management Plan NCIG Operation Spontaneous Combustion Management Plan	Review complaint and incident register Site inspections Review management plans
2.2	The Proponent shall design, construct, commission, operate and maintain the project in a manner that minimises or prevents the emission of dust from the Site including wind blown and traffic generated dust.	Compliant	At all times	Operation Dust and Air Quality Management Plan Internal audits Operation Environmental Management Plan NCIG Complaints Register NCIG Incident Register NCIG Citect Management System Maintenance and Housekeeping Work Orders	Site inspections Review audits Monitor Incident Register Review work orders
2.3	The Proponent shall take all practicable measures to ensure that all vehicles entering or leaving the Site, carrying a load that may generate dust, are covered at all times, except during loading and unloading. Any such vehicles shall be covered or enclosed in a manner that will prevent emissions of dust from the vehicle at all times, to the extent practicable.	Compliant	At all times	NCIG Operation Dust and Air Quality Management Plan NCIG Materials Transport Procedure	Site inspections Monitor implementation of procedures and management plans

Unique ID	Compliance Requirement	Compliance Status	Development Phase	Evidence and Comments	Monitoring Methodology
2.4	All activities on the Site shall be undertaken with the objective of preventing visible emissions of dust beyond the boundary of the Site. Should such visible dust emissions occur at any time, the Proponent shall identify and implement all practicable dust mitigation measures, including cessation of relevant works, as appropriate.	Compliant	At all times	NCIG Operation Dust and Air Quality Management Plan Internal audits NCIG Operation Environmental Management Plan NCIG Complaints Register NCIG Incident Register NCIG Citect Management System Maintenance and Housekeeping Work Orders	Site inspections Review audits Monitor Incident Register Review work orders
2.5	The Proponent shall control dust emissions on all internal roads, trafficable areas and manoeuvring areas to minimise the potential for dust generation by sealing, or otherwise treating surfaces in a manner acceptable to the Director-General.	Compliant	At all times	NCIG Operation Dust and Air Quality Management Plan Signage in relevant areas directing traffic to sealed roads Contractor invoices for treating unsealed surfaces Maintenance and Housekeeping Work Orders	Site inspections Review internal audits Review contractor invoices
2.6	The Proponent shall design, construct, operate and maintain the project in a manner that minimises the potential generation of fugitive dust emissions from plant and equipment, including where relevant and practicable, design of the project to minimise the number of coal transfer points, minimise the drop height from stackers to stockpiles, full or partial enclosure of conveyors, installation of wind shields and belt cleaning systems to conveyors, and installation of dust control equipment to mobile plant.	Compliant	At all times	NCIG Operation Dust and Air Quality Management Plan Site audit observations Internal audits NCIG Operation Environmental Management Plan NCIG Citect Management System logic NCIG construction design plans	Site inspections and audits Monitor implementation of management plans
2.7	As soon as practicable after the placement of fill/ preloading material on the Site, the Proponent shall cover, seal, grass or otherwise treat the Site in a manner acceptable to the Director-General to minimise the potential generation of wind-blown dust from the fill/ preload material. The Proponent shall maintain the cover, seal, grass or other treatment for the duration of relevant Site preparation and preloading activities, and following the addition of further fill/ preload materials that may occur from time to time during that period.	Not triggered	Construction	Not triggered during audit period - condition identified as complete.	NA
2.8	The Proponent shall install, operate and maintain a meteorological monitoring station to monitor weather conditions representative of those on the Site, in accordance with: a) AM-1 Guide to Siting of Sampling Units (AS 2922-1987). b) AM-2 Guide for Horizontal Measurement of Wind for Air Quality Applications (AS 2923-1987). c) AM-4 On-Site Meteorological Monitoring Program Guidance for Regulatory Modelling Applications. The meteorological monitoring station shall be installed at or near the Site and the Proponent shall use the meteorological monitoring station to undertake the monitoring required under condition 3.1 of this approval. This condition does not preclude the Proponent from reaching agreement with any other relevant party for the installation, operation and maintenance of a shared monitoring station, or shared use of an existing monitoring station representative of the Site, provided the outcomes of this condition are achieved.	Compliant	At all times	Meteorological Monitoring Station equipment specifications: Luft Mess WS502-UMB Smart Weather Sensor Manual. Correspondence to contractor RE: Upgrade and review of meteorological monitoring station. NCIG Citect Management System	Monitor meteorological monitoring station performance

Unique ID	Compliance Requirement	Compliance Status	Development Phase	Evidence and Comments	Monitoring Methodology
2.9	The Proponent shall minimise noise emissions from plant and equipment operated on the Site in relation to the project according to the principles outlined in the NSW Government's <i>Industrial Noise Policy</i> .	Compliant	At all times	NCIG Operation Noise Management Plan SLR Consulting Biannual Off-Site Noise and On-Site Sound Power Monitoring Reports NCIG Complaints Register	Review noise monitoring reports
2.10	All Site preparation, filling/ preloading and construction works that may generate an audible noise at any residential receptor shall only be undertaken between 7:00 am and 6:00 pm. Audible noise is defined as "noise that can be heard at the receiver". This condition does not apply in the event of a direction from police or other relevant authority for safety or emergency reasons. <i>Note: 'safety or emergency reasons' refers to emergency works which may need to be undertaken to avoid loss of life, property loss and/or to prevent environmental harm.</i>	Not triggered	Construction	Not triggered during audit period	NA
2.11	Notwithstanding condition 2.10 of this approval, piling works shall not be conducted on Sundays or public holidays.	Not triggered	Construction	Not triggered during audit period	NA
2.12	The Proponent may seek the Director-General's approval to conduct Site preparation, filling/ preloading and construction works outside the hours specified under condition 2.10 on a case-by-case basis. In seeking the Director-General's approval, the Proponent shall demonstrate a need for activities to be conducted during varied hours and how local acoustic amenity will be protected, as well as details of how the EPA's requirements with respect to the variation of hours have been addressed.	Not triggered	Construction	Not triggered during audit period	NA
2.13	The Proponent shall design, construct, operate and maintain the project to ensure that the noise contributions from the project do not exceed the maximum allowable noise contributions specified in Table 1 below, at those locations and during those periods indicated. The maximum allowable noise contributions apply under: a) meteorological condition of: wind speeds up to 3 ms ⁻¹ (measured at 10 metres above ground level); or b) temperature inversion conditions up to 3°C per 100 metres and wind speeds up to 2ms-1 (measured at 10 metres above ground level).	Compliant	At all times	NCIG Operation Noise Management Plan SLR Consulting Biannual Off-Site Noise and On-Site Sound Power Monitoring Reports	Review noise monitoring reports
2.14	For the purpose of assessment of noise contributions specified under condition 2.13 of this consent, noise from the project shall be: a) measured at the most affected point on or within the Site boundary at the most sensitive receiver to determine compliance with L _{Aeq(15 minute)} night noise limits. b) measured at one metre from the dwelling façade to determine compliance with L _{A1(1 minute)} noise limits. c) subject to the modification factors provided in Section 4 of the <i>New South Wales Industrial Noise Policy</i> (EPA, 2000), where applicable. Notwithstanding, should direct measurement of noise from the development be impractical, the Proponent may employ an alternative noise assessment method deemed acceptable by the EPA (refer to Section 11 of the <i>New South Wales Industrial Noise Policy</i> (EPA, 2000)). Details of such an alternative noise assessment method accepted by the EPA shall be submitted to the Director-General prior to the implementation of the assessment method.	Compliant	At all times	NCIG Operation Noise Management Plan SLR Consulting Biannual Off-Site Noise and On-Site Sound Power Monitoring Reports	Review noise monitoring reports
2.15	The Proponent shall take necessary actions to ensure that trains operated on the Site meet the noise performance criteria established under condition 2.13.	Compliant	Operations	NCIG Operation Noise Management Plan SLR Consulting Biannual Off-Site Noise and On-Site Sound Power Monitoring Reports	Review noise monitoring reports
2.16	Prior to the commencement of construction, including Site preparation and fill/ preloading activities, the Proponent shall employ a qualified ecologist approved by the Director-General to undertake a pre-construction survey of all areas to be affected by construction works for the presence of <i>Litoria aurea</i> . Should members of this species be located within any area to be affected by the project, the Proponent shall notify the Director-General and prepare a management plan for the relocation of <i>Litoria aurea</i> individuals in consultation with the OEH and RLMC. The management plan shall include, but not be limited to, the identification of potential locations, management procedures and monitoring requirements for the relocation of <i>Litoria aurea</i> individuals prior to the commencement of works.	Not triggered	Prior to construction	Not triggered during audit period - condition identified as complete.	NA

Unique ID	Compliance Requirement	Compliance Status	Development Phase	Evidence and Comments	Monitoring Methodology
2.17	The Proponent shall design and construct relevant rail infrastructure associated with the project to include culverts, underpasses or other similar measures to permit the movement of <i>Litoria aurea</i> and other amphibian species under the rail infrastructure, and shall have consideration of existing and proposed frog habitat areas and movement corridors. The culverts, underpasses or other similar measures shall be installed to include suitable habitat for <i>Litoria aurea</i> , and to provide protection from predators, and shall be designed in consultation with OEH and PWCS.	Not triggered	Prior to construction (of Flyover)	Not triggered during audit period - condition identified as complete.	NA
2.18	All employees and contractors involved in construction or operation of components of the project in areas known or suspected of providing habitat for <i>Litoria aurea</i> and other amphibian species shall be trained in Site hygiene management in accordance with <i>Hygiene Protocol for the Control of Disease in Frogs</i> (NPWS, 2001) prior to the commencement of the relevant work.	Compliant	At all times	NCIG Ecological and Land Management Plan Level 1 General Induction Environmental Awareness Training	Monitor implementation of the Ecological and Land Management Plan Review induction and training content
2.19A	The Proponent shall minimise clearing of native vegetation, edge effects and fragmentation to the greatest extent practicable and shall maintain retained native vegetation and habitat on Site. In relation to the clearing required for the High Capacity Optional Inlet Rail Spur and Rail Sidings, the amount of clearing to the west of the existing Kooragang Island Main Line shall be limited to a maximum of 2.6 hectares including 1.32 hectares of <i>Coastal Saltmarsh in the NSW North Coast, Sydney Basin and South East Corner Bioregions Endangered Ecological Community</i> , and 0.13 hectares of <i>Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner Bioregions Endangered Ecological Community</i> .	Not triggered	Construction	Not triggered during audit period - condition identified as complete.	NA
2.19	The Proponent shall employ a qualified ecologist, approved by the Director-General, for the duration of construction works, including Site preparation and fill/ preloading activities, to advise on the mitigation and management of impacts to listed threatened species that may be affected by the relevant works.	Not triggered	Construction	Not triggered during audit period - condition identified as complete.	NA

Unique ID	Compliance Requirement	Compliance Status	Development Phase	Evidence and Comments	Monitoring Methodology
2.20	<p>The Proponent shall develop and submit for the approval of the Director-General, a Compensatory Habitat and Ecological Monitoring Program to detail how habitat and ecological values lost as a result of the project will be off-set, and how ecological monitoring will be undertaken to inform on-going ecological management. The Program shall be developed in consultation with the OEH, and shall include, but not necessarily be limited to:</p> <p>a) ecological surveys, following detailed design of the project, to identify and quantify the extent and types of habitat that would be lost or degraded as a result of the project;</p> <p>b) provision for establishment of compensatory habitat for each relevant component of the project as follows, unless otherwise agreed by the Director-General:</p> <p>i) for <i>Litoria aurea</i> habitat lost as a result of the project, establishment of 75 hectares of compensatory habitat in a location agreed by the Director-General, in consultation with the OEH. The compensatory habitat shall include viable and sustainable populations of <i>Litoria aurea</i> with a mosaic of wetland, terrestrial and breeding habitat, which includes foraging, sheltering, and wintering habitat attributes and movement corridors, in order to maximise the potential reproductive output of the <i>Litoria aurea</i> population. This amount of compensatory habitat may be reduced if the Proponent can determine, using a scientific methodology agreed to the Department, in consultation with the OEH, that the population of <i>Litoria aurea</i> impacted by the project is less than 37.5 hectares. The reduced amount shall be agreed to by the Department, in consultation with the OEH, by June 2015;</p> <p>ii) for migratory shore bird habitat (including endangered ecological communities) lost as a result of the project, including filling in of parts of Deep Pond and Swan Pond from construction of rail and associated infrastructure, the establishment of 8 hectares of compensatory habitat in a location agreed by the Director-General, in consultation with the OEH. The commencement of compensatory habitat works shall occur within six months of the commencement of construction of the High Capacity Optional Inlet Rail Spur and Rail Sidings, or as otherwise agreed by the Director-General;</p> <p>c) provision for on-going ecological studies and migratory bird monitoring in and around Deep Pond and Swan Pond, to investigate bird behaviour and to inform the design process for components of the project affecting these ponds;</p> <p>d) provision for the funding of works required under this condition, to be managed by a mechanism that provides sound and legally enforceable means of allocating resources for ongoing adaptive management and review of the performance of compensatory habitat works for the life of the project;</p> <p>e) provision for research into <i>Litoria aurea</i> in and around Kooragang Island and the Hunter Estuary, as may be identified by the Proponent in consultation with relevant ecological and research groups;</p> <p>f) provision for ameliorative works on land surrounding the project Site, as may be negotiated by the Proponent with the relevant adjacent land owners, to improve or restore natural hydrology and ecosystems, remove mangrove communities where relevant and restore locally-endemic Endangered Ecological Communities;</p> <p>g) consideration of coordinating compensatory and ameliorative works with similar requirements for other developments, including with respect to the development the subject of development consent DA-134-3-2003-i (dredging and remediation of the South Arm of the Hunter River);</p> <p>h) monitoring requirements for compensatory habitat works and other ecological amelioration proposed under the Program; and</p> <p>i) timing and responsibilities for the implementation of the provisions of the Program. The Proponent shall provide the following commitments in the Program, or as otherwise agreed by the Director-General:</p> <p>i. before 31 December 2013, the Proponent shall secure compensatory habitat locations required under condition 2.20b);</p> <p>ii. before 31 December 2014, the Proponent shall have completed the migratory shorebird compensatory habitat works required under condition 2.20b)ii);</p> <p>iii. before 31 December 2016, the Proponent shall have completed the <i>Litoria aurea</i> compensatory habitat works required under condition 2.20b)i). If a viable breeding population of <i>Litoria aurea</i> has not been established as a part of the implemented compensatory habitat works then the Proponent is required to purchase an equivalent area of land that is known to contain the species and manage this land for the enduring conservation of the species in perpetuity. Any land required to be purchased is required to be completed by 31 December 2019.</p>	Compliant	At all times	<p>Evidence relevant to current audit period:</p> <p>NCIG Compensatory Habitat Management Plan</p> <p>Evidence from previous audit periods:</p> <p>NSW Department of Planning letter dated 16.11.2010 ref: 10/02150-5 Subject: NCIG Coal Export Terminal, Kooragang Island (Reference:06_0009) - Compensatory Habitat and Ecological Monitoring Program (Condition 2.20) "satisfactorily addresses all requirements under Condition 2.20 and therefore the CHEMEP is approved for the purposes of this condition"</p> <p>NCIG received a letter from Planning & Environment on 31/7/17 confirming that there is no longer a requirement to purchase an equivalent area of land known to contain GGBF as the compensatory habitat works had been completed for GGBF under condition 2.20 b) i) and condition 2.20 i) iii)</p> <p>CHEMEP Consultative Board Meeting Minutes</p> <p>CHEMEP Update Reports</p> <p>CHEMEP Monitoring Reports</p>	Monitor implementation of the Compensatory Habitat and Ecological Monitoring Program
2.20A	<p>Financial surety of the requirements specified in condition 2.20 will be provided by the Proponent to the Department in the form of a Conservation Bond. Within 3 months of the date of the approval of modification application MP 06_0009 MOD 2, referred to in condition 1.1e), the Proponent shall determine the sum of the Conservation Bond to the satisfaction of the Director-General, in consultation with OEH, based on the following:</p> <p>a) calculating the full cost of fulfilling its compensatory habitat obligations outlined in condition 2.20, in perpetuity, (including and land acquisition costs). These costs need to consider research, establishment of habitat, ongoing monitoring and management of the habitat.</p> <p>b) employing a suitably qualified quantity surveyor to verify the calculated costs.</p> <p>The Conservation Bond is required to be lodged with the Department by 30 July 2013, or as otherwise agreed by the Director-General, to ensure that the biodiversity offsets outlined in condition 2.20 are implemented in accordance with the performance and timing commitments provided in the Compensatory Habitat and Ecological Monitoring Program. If the offset is completed in accordance with the performance and timing commitments in the Compensatory Habitat and Ecological Monitoring Program to the satisfaction of the Director-General, in consultation with the OEH, the Director-General will release the bond. If the offset is not completed in accordance with the performance and timing commitments in the Compensatory Habitat and Ecological Monitoring Program, the Director-General may, in consultation with OEH, call in all or part of the Conservation Bond, and arrange for the satisfactory completion of the relevant works. The sum of the Conservation Bond may be reduced subject to the successful performance of the compensatory works. The reduction of the Conservation Bond would be at the agreement of the Director-General, in consultation with the OEH. In relation to <i>Litoria aurea</i>, successful performance works include the identification of a viable breeding population.</p>	Compliant	Prior to construction	<p>\$3,170,770 Conservation Bond remains current.</p> <p>Previous evidence:</p> <p>NSW Department of Planning letter dated 16.11.2010 ref: 10/02150-5 Subject: NCIG Coal Export Terminal, Kooragang Island (Reference:06_0009) - Compensatory Habitat and Ecological Monitoring Program (Condition 2.20).</p> <p>Department of Planning letter dated 22/6/17</p> <p>NSW OEH letter dated 6/7/2017 supporting reduction of bond to \$3,170,770</p> <p>NSW Department of Planning and the Environment dated 31.7.2017 RE: DP&E confirmed there is no longer a requirement to purchase an equivalent area of land known to contain the GGBF species. Confirming the successful performance of the compensatory works and supporting the reduction of the current \$10,095,030 Conservation Bond to \$3,170,770</p>	Monitor status of Conservation Bond
2.20B	<p>In the event that the project is modified such that it results in impacts to biodiversity different to those assessed in the document referred to in condition 1.1b), the Proponent is required to submit for the approval of the Director-General, a revised Compensatory Habitat and Ecological Monitoring Program within three months of any approval.</p>	Not triggered	At all times	Not triggered during audit period	Monitor any project modifications

Unique ID	Compliance Requirement	Compliance Status	Development Phase	Evidence and Comments	Monitoring Methodology
2.21	Prior to the commencement of construction of the project, including fill/preload activities, the Proponent shall develop and submit for the approval of the RMS and Council, construction traffic control measures to be implemented for the project. The construction traffic control measures shall include measures to ensure that project traffic does not adversely affect traffic movements on Cormorant Road during peak traffic times.	Not triggered	Prior to construction	Not triggered during audit period - condition identified as complete.	NA
2.22	The Proponent shall design, install and maintain physical traffic control devices and signs for all prohibited traffic movements referred to in Appendix C of the document referred to under condition 1.1b) of this approval, during construction and operation of the project, as relevant. The Proponent shall submit design details of the traffic control devices and signs to the RMS and Council for approval prior to their installation. Traffic control devices and signs shall be installed prior to the commencement of construction and operation, as relevant, and at the expense of the Proponent.	Compliant	At all times	Road Transport Assessment (Appendix C) 2006 NCIG IEA 2018 Aerial site photographs	Review and compare

Unique ID	Compliance Requirement	Compliance Status	Development Phase	Evidence and Comments	Monitoring Methodology
2.23	<p>The Proponent shall ensure that all access to the relevant Site areas shall be via the following routes:</p> <p>a) Main Site Area: i) Pacific National access road; ii) Temporary haulage road (construction phase only); iii) Egret Street; and iv) Raven Street, Curlew Street. b) Wharf Area: i) Temporary haulage road (construction phase only); and ii) Wharf access road. c) Rail area: i) Delta access road (construction phase only); and ii) Pacific National access road.</p>	Compliant	At all times	NCIG IEA 2018 Aerial site photographs	NA
2.24	<p>The Proponent shall ensure that traffic control signals and associated civil works are designed and constructed at the intersection of Cormorant Road and the temporary haulage road, west of the existing Blue Circle railway level crossing, in accordance with the RTA's <i>Road Design Guide</i> and the relevant Austroads guidelines, to the satisfaction of the RMS including but not limited to, the following works:</p> <p>a) the traffic control signals shall be designed to restrict all movements at the intersection to through movements only; b) the signals shall be co-ordinated with the adjacent Blue Circle railway level crossing signals; and c) provision shall be made for on-road Nelson Bay Road cyclists at the intersection.</p>	Not triggered	Construction	Not triggered during audit period - condition identified as complete.	NA
2.25	<p>The Proponent shall ensure that the traffic control signals outlined in condition 2.24 at the intersection of Cormorant Road and the temporary haul road shall be removed to the satisfaction of the RMS and Council, at completion of the construction phase or after 12 months of operation of the signals. This shall include any rehabilitation work required to Cormorant Road as determined by the RMS and Council.</p>	Not triggered	Construction	Not triggered during audit period - condition identified as complete.	NA
2.26	<p>The Proponent shall ensure that the traffic control signals at the intersection of Cormorant Road and the temporary haul road shall not be utilised for traffic movements across Cormorant Road between 6.00 am to 9.00 am and 4.00 pm to 6.00 pm on weekdays.</p>	Not triggered	Construction	Not triggered during audit period - condition identified as complete.	NA
2.27	<p>The Proponent shall ensure that the intersection of Cormorant Road/Tourle Street and the Delta access road to the west of the Site is designed and constructed in accordance with the RTA's <i>Road Design Guide</i> and the relevant Austroads guidelines to the satisfaction of the RMS. The Proponent shall ensure that the intersection include, as a minimum, the following:</p> <p>a) traffic movements shall be physically restricted to left in/left out only; b) the left turn in would require a sealed left turn deceleration lane; c) the left turn out should be constructed at right angles to Cormorant Road as a give way arrangement and sealed for an appropriate length to ensure that materials are not tracked onto Cormorant Road, The Proponent shall ensure that shaker grids are provided on-Site at the start of the seal; d) a central median may be required on Cormorant Road at the exit of the Site to physically prevent right turn movements; e) adjustments to the footpath and cycleways shall be undertaken to the satisfaction of the RMS and Council.</p>	Not triggered	Construction	Not triggered during audit period - condition identified as complete.	NA
2.28	<p>The Proponent shall ensure that the intersection of Cormorant Road/Pacific National access shall be designed and constructed in accordance with the RTA's <i>Road Design Guide</i> and the relevant Austroads guidelines, to the satisfaction of the RMS. The Proponent shall ensure that the intersection should include as a minimum:</p> <p>a) traffic movements shall be physically restricted to left in/left out/right in only; b) the existing intersection shall be upgraded to include construction of concrete medians in Cormorant Road; c) this intersection shall be integrated with the wind turbine access to the satisfaction of the RMS and Council.</p>	Not triggered	Construction	Not triggered during audit period - condition identified as complete.	NA
2.29	<p>The Proponent shall construct a u-turn facility at the Pacific National access road to the satisfaction of the RMS and Council. The Proponent shall ensure that the u-turn facility:</p> <p>a) is located a minimum distance of 100 metres from Cormorant Road to avoid any potential conflict with traffic at the intersection; and b) is designed to cater for B-double movements.</p>	Not triggered	Construction	Not triggered during audit period - condition identified as complete.	NA

Unique ID	Compliance Requirement	Compliance Status	Development Phase	Evidence and Comments	Monitoring Methodology
2.30	<p>The Proponent shall ensure that the intersection of Cormorant Road and the Wharf access road to the south of the Site is designed and constructed in accordance with the RTA's <i>Road Design Guide</i> and the relevant Austroads guidelines to the satisfaction of the RMS. The Proponent shall ensure that the intersection includes the following minimum requirements:</p> <p>a) traffic movements shall be physically restricted to left in/left out/right in only; b) the left turn in would require a deceleration lane; and c) the left turn out should be constructed at right angles to Cormorant Road as a give way arrangement.</p>	Not triggered	Construction	Not triggered during audit period - condition identified as complete.	NA
2.31	<p>The Proponent shall ensure that the intersection of Cormorant Road/Egret Street is designed and constructed in accordance with the RTA's <i>Road Design Guide</i> and the relevant Austroads guidelines to the satisfaction of the RMS. The Proponent shall ensure that the intersection includes, as a minimum:</p> <p>a) traffic movements shall be physically restricted to left in/left out and right in only; and b) the existing intersection shall be modified to include the construction of concrete medians in Cormorant Road.</p>	Not triggered	Construction	Not triggered during audit period - condition identified as complete.	NA
2.32	<p>The Proponent shall ensure that the bridge structure over Cormorant Road is designed and constructed to RMS requirements, including (but not limited to):</p> <p>a) allowance for future road widening/duplication of Cormorant Road; b) a minimum 6.5 metre vertical height clearance be provided from the top of the Cormorant Road pavement to the underside of the bridge structure; c) the bridge structure and its approaches to be designed to minimise impacts on maintenance activities required within the road reserve; and d) any maintenance activities required for the bridge structure shall be carried out from within/on the bridge structure.</p>	Not triggered	Construction	Not triggered during audit period - condition identified as complete.	NA
2.33	<p>The Proponent shall enter into an agreement with the RTA for the ongoing maintenance and demolition of the bridge structure.</p>	Compliant	Operations	NCIG/RTA Agreement Dec 2010	Review implementation of agreement
2.34	<p>The Proponent shall submit for the approval of the RMS and Council, detailed designs for the road works referred to under condition 2.22 to condition 2.32 inclusive 2.24, prior to the commencement of construction of those works, and prior to the commencement of construction of the relevant components of the project. All road works shall be undertaken and completed to the satisfaction of the RMS and Council.</p>	Not triggered	Construction	Not triggered during audit period - condition identified as complete.	NA

Unique ID	Compliance Requirement	Compliance Status	Development Phase	Evidence and Comments	Monitoring Methodology
2.35	The project shall be designed, constructed, maintained and operated so as not to preclude any future expansion of Cormorant Road to accommodate four lanes of traffic. The Proponent shall consult with the RMS during detailed design of the project to ensure that the requirements of this condition are reflected in the final design of the project. In this regard, the Proponent will be required to enter into a Works Authorisation Deed with the RMS and submit detailed design plans and any additional relevant information, as may be required under the Deed, to the RMS for each specific change to the state road network for the RTA's assessment and approval.	Compliant	At all times	Expansion of Cormorant Road to accommodate four lanes of traffic was completed in 2018.	NA
2.36	The Proponent shall ensure that any property requirements including acquisition and/or road reserve dedication shall be in accordance with the requirements of the RMS and Council and at the full expense of the Proponent.	Not triggered	At all times	Not triggered during audit period	NA
2.37	The Proponent shall design, construct and maintain all internal road works, including the car park, to meet the following requirements: a) compliance with the provisions of relevant Australian Standards, RMS standards and guidelines, and Council codes; b) installation of clear signage to demarcate all vehicle movements within the Site; c) installation and maintenance of any landscaping on the Site so as not to affect driver sight distance for vehicles entering and exiting the Site; and d) clear demarcation of all visitor, disabled, ambulance and service vehicle parking areas.	Compliant	At all times	Site observations	Review of relevant standards Site inspections
2.38	Prior to the commencement of any works associated with the construction of rail infrastructure on land associated with the Kooragang Island Waste Emplacement Facility, the Proponent shall consult with RLMC to reach agreement on the detailed design and operational aspects of the rail infrastructure components of the project on land owned by RLMC. Design details shall include all measures outlined in the documents referred to in condition 1.1.	Not triggered	Prior to construction	Not triggered during audit period - condition identified as complete.	NA
2.39	The Proponent shall consult with PWCS and ARTC, and meet the reasonable requirements of ARTC with respect to the design of the project, including those components of the project that may affect the design, connection and operation of existing and proposed ARTC and PWCS rail infrastructure assets.	Not triggered	Prior to construction	Not triggered during audit period - condition identified as complete.	NA
2.40	Utilities, services and other infrastructure potentially affected by construction shall be identified prior to construction to determine requirements for access to, diversion, protection, and/or support. Consultation with the relevant owner and/or provider of services that are likely to be affected by the project shall be undertaken to make suitable arrangements for access to, diversion, protection and/or support of the affected infrastructure as required. The cost of any such arrangements shall be borne by the Proponent, unless otherwise agreed by the utility or service provider.	Not triggered	Prior to construction	Not triggered during audit period - condition identified as complete.	NA
2.41	Except as may be expressly provided under the provision of an Environment Protection Licence for the project, the Proponent shall comply with section 120 of the <i>Protection of the Environment Operations Act 1997</i> which prohibits the pollution of waters.	Compliant	At all times	NCIG Internal Incidents Register Water Quality Monitoring Database NCIG Operation Water Management Plan	Review Water quality monitoring data Review Incident Register Site inspections Operational Water Management Plan Audit

Unique ID	Compliance Requirement	Compliance Status	Development Phase	Evidence and Comments	Monitoring Methodology
2.42	Unless otherwise agreed by the Director-General, the Proponent shall design, construct, maintain and operate surface water and stormwater management infrastructure on the Site to accommodate a 1 in 100 ARI rainfall event, and shall not permit the discharge of any water from the Site to the Hunter River unless expressly provided under the provision of an Environment Protection Licence.	Non-compliant	At all times	<p>NCIG have designed, constructed, maintained and operated surface water and stormwater management infrastructure to accommodate a 1 in 100 ARI rainfall event of 2 hour duration (Drainage Assessment Report for the Stockyard and Wharf Areas, 2014).</p> <p>Overflow occurred during one rainfall event in the reporting period (NCIG Monitoring Database).</p> <p>Previous evidence - correspondence with the Environmental Protection Authority (EPA) and Department of Planning and Environment (DPE) since 2015:</p> <ul style="list-style-type: none"> - Overflow event communicated with EPA – 15/5/15 - EPA response, stating no EPL compliance issues with recent overflow event, based on the water quality monitoring results. EPA stated there is no need for a specific licence condition to authorise the discharge of water from the premises where waters are not being polluted. – 24/8/15 - EPL varied by EPA to include discharge and ambient water monitoring – 10/3/16 - DPE provided acknowledgement of works NCIG had completed to date in relation to this condition - 24/10/16. <p>The 2018 Independent Environmental Audit found this condition to be non-compliant as the EPL12693 does not expressly provide for the discharge of water from site. NCIG is currently in the process of clarifying this condition as outlined in NCIG's Response to Auditor Recommendations (2018).</p>	Review water quality monitoring data review Operations Water Management Plan Audit
2.43	The Proponent shall take all reasonable measures to prevent soil erosion and the discharge of sediments and pollutants from the Site during construction of the project.	Not triggered	Construction	Not triggered during audit period - condition identified as complete.	NA
2.44	The Proponent shall install stormwater drains, stormwater ponds, settlement ponds and/or storage ponds and other erosion, sediment and pollution controls as may be appropriate to manage stormwater on the Site. The Proponent shall maintain all erosion, sediment and pollution control infrastructure at or above design capacity for the duration of construction of the project and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.	Not triggered	Construction	Not triggered during audit period - condition identified as complete.	NA
2.45	All stockpiled construction materials shall be stabilised and covered where practicable to prevent erosion or dispersal of the materials. The Proponent shall manage any fill/ preload material brought to the Site in manner that prevents erosion and dispersal of those materials.	Not triggered	Construction	Not triggered during audit period - condition identified as complete.	NA
2.45A	Prior to the commencement of construction of the High Capacity Optional Inlet Rail Spur and Rail Sidings the Proponent shall sample and characterise the quality of the existing groundwater in and around the rail infrastructure corridor to determine groundwater quality trigger values.	Not triggered	Prior to construction	Not triggered during audit period - condition identified as complete.	NA

Unique ID	Compliance Requirement	Compliance Status	Development Phase	Evidence and Comments	Monitoring Methodology
2.45B	Prior to the commencement of construction, the Proponent must develop a long-term groundwater monitoring program in and around the High Capacity Optional Inlet Rail Spur and Rail Sidings to identify changes in groundwater quality from pre-construction groundwater conditions. The groundwater monitoring program will include an action plan should groundwater quality trigger values be exceeded during the course of the monitoring program and the Proponent shall rectify and adverse impact on groundwater that may be detected. Groundwater monitoring must commence at least one month prior to the commencement of construction.	Not triggered	Prior to construction	Not triggered during audit period - condition identified as complete.	NA
2.46	Materials classified as Virgin Excavated Natural Materials (VENM) or those referred to under condition 2.47, shall be used as fill/ preload material for the project.	Not triggered	Construction	Not triggered during audit period - condition identified as complete.	NA
2.47	Unless otherwise agreed by the Director-General, the Proponent shall only source clean materials for use in fill/ preloading activities from the development the subject of development consent DA-134-3-2003-i (dredging and remediation of the South Arm of the Hunter River). Where the Proponent seeks the agreement of the Director-General to use fill/ preload materials from a different source, the Director-General may require submission of additional information to demonstrate how the impacts from heavy vehicle movements will be adequately and appropriately mitigated and managed.	Not triggered	Construction	Not triggered during audit period - condition identified as complete.	NA
2.48	Unless otherwise agreed by the Director-General, fill/ preload material sourced from the development the subject of development consent DA-134-3-2003-i shall be transported and managed consistently with an approved Dredged Material Transport Strategy under that development consent (condition B2.29).	Not triggered	Construction	Not triggered during audit period - condition identified as complete.	NA
2.49	All stormwater and surface water management infrastructure on the Site intended to manage actual or potentially contaminated water shall be lined with a low-permeability material to minimise potential leakage. Collected stormwater shall be reused on Site for beneficial purposes such as the wetting of coal to reduce dust emissions from the Site.	Compliant	At all times	NCIG Operation Water Management Plan NCIG Process Water Tanks NCIG Water Usage Database NCIG Citect Management System	NCIG Operation Water Management Plan Audit Review water usage database Review Citect Management System water logic
2.50	In the event that stormwater runoff collection cannot meet the water demand of the Site, treated wastewater, if available from the relevant water authority, shall be used preferentially over potable water for the purposes of dust control, unless otherwise agreed by the Director-General.	Compliant	At all times	Hunter Water/NCIG Water Efficiency Management Plan (2018)	Review Hunter Water/NCIG Water Efficiency Management Plan
2.51	All machinery wash down waters and amenities wastewater shall be directed to sewer (subject to Hunter Water Corporation approval), or to an appropriately licensed liquid waste disposal facility.	Compliant	At all times	NCIG Coal Export Terminal Administration Area Ancillary Mechanical Services Oil Water Separator General Arrangement 2008 (Drawing Number HW00-05-M-74503)	Review construction plans
2.52	The Proponent shall design, install, maintain and operate rainwater tanks for the collection of water for domestic and potable uses on the Site. Collected rainwater shall be used preferentially to external potable water supplies.	Compliant	At all times	NCIG Coal Export Terminal Admin Building Hydraulic Services Sewer and Stormwater Drainage Layout 2009 (Drawing Number HW00-05-C-33200)	Review construction plans
2.53	The Proponent shall engage an appropriately qualified person to audit construction of the rail infrastructure over land used as part of the KIWEF against the commitments contained in the documents referred to in condition 1.1, including the High Capacity Optional Inlet Rail Spur and Rail Sidings. The auditor shall provide the Director-General and the EPA with quarterly reports on the disturbance and recapping of the waste emplacement area during construction. In the event of any deviation from the commitments made in the abovementioned documents, prior approval should be sought from the EPA, and any deviation from the commitments shall be described in detail and reasons for the change provided and fully justified.	Not triggered	Construction	Not triggered during audit period - condition identified as complete.	NA
2.54	The Proponent shall ensure that any contaminated materials removed from the Site be directed to a waste management facility lawfully permitted to accept the materials.	Compliant	At all times	Waste invoices from waste service provider Remondis	Review waste invoices
2.55	To avoid any doubt, nothing in this approval relieves the need to comply with the requirements of Environment Protection Licence No. 6437 as it relates to the on-going management of the KIWEF.	Noted	At all times	NA	NA

Unique ID	Compliance Requirement	Compliance Status	Development Phase	Evidence and Comments	Monitoring Methodology
2.56	All waste materials removed from the Site shall only be directed to a waste management facility lawfully permitted to accept the materials.	Compliant	At all times	Waste invoices from waste service provider Remondis	Review waste invoices
2.57	Except as expressly permitted in an appropriate licence, waste shall not be received at the Site for storage, treatment, processing or reprocessing or disposal.	Compliant	At all times	Waste invoices from waste service provider Remondis	Review waste invoices Waste Management Audit Waste inspections
2.58	Within six months of the commencement of construction of the project, or as otherwise agreed by the Director-General, the Proponent shall install the bund along the southern side of the stockpile yard (northern side of Cormorant Road) to the satisfaction of the Director-General.	Not triggered	Construction	Not triggered during audit period - condition identified as complete.	NA
2.59	The Proponent shall ensure that all external lighting installed as part of the project is mounted, screened, and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting shall be the minimum level of illumination necessary, and be in general accordance with AS 4282 – 1997 <i>Control of the Obtrusive Effects of Outdoor Lighting</i> .	Compliant	At all times	NCIG Stacker Reclaimer Lighting Assessment (2016)	Site inspections
2.60	The Proponent shall plant and maintain local native vegetation species along the earthen bund referred to under condition 2.58. Vegetation shall be planted prior to the commencement of operation of the project, and shall aim to screen the project from visual receptors towards the south, to the greatest extent practicable.	Compliant	At all times	Kleinfelder Planting Plans and invoices Lawncare invoices	Site inspection Review vegetation maintenance Work Orders
2.61	Advertising and project identification signs shall not be installed along the Cormorant Road frontage of the Site.	Compliant	At all times	NCIG IEA 2018 Report	Site inspections
3.1	From the commencement of construction of the project, the Proponent shall continuously monitor, utilising the meteorological monitoring station referred to under condition 2.8 of this approval, each of the parameters listed in Table 2, utilising the sampling method indicated and applying a 15-minute average period to all results, and recording data in units specified in Table 2.	Compliant	At all times	NCIG Citect System NCIG Database and Monitoring Reports NCIG 2018 AEMR	Review meteorological monitoring data
3.2	<p>Prior to the commencement of operation of the project, the Proponent shall develop and submit for the approval of the Director-General and the EPA an Ambient Dust Monitoring Program, to outline how the ambient dust impacts of the project will be monitored. The Program shall include, but not necessarily be limited to:</p> <p>a) identification of an integrated air quality monitoring network, developed in consultation with the owner/ operator of the existing Kooragang Coal Loader;</p> <p>b) locations, frequencies and methods for monitoring total suspended particles, PM10 and deposited particulate matter;</p> <p>c) provision for the use of at least four hi-volume samplers (HVAS), four dust depositional gauges and a meteorological station capable of monitoring wind direction and speed in accordance with condition 2.8 and condition 3.1 of this approval;</p> <p>d) investigation of the use of Tapered Element Oscillating Microbalance Samplers (TEOMS) as part of the integrated air quality monitoring network. Should the Proponent consider TEOMS not to be required, the Proponent may seek approval from both the Director-General and the EPA to exclude this requirement. In seeking such an exclusion, the Proponent's reasons for the exclusion shall be provided and be fully justified;</p> <p>e) provided that the use of TEOMS is proven to be justified (as outlined in d) above), the Proponent shall utilise real-time monitoring data to inform environmental management decisions associated with the project;</p> <p>f) a framework for identifying actual and potential dust impacts, and for applying pro-active and reactive mitigation and management measures to address those impacts;</p> <p>g) provision for independent review and auditing of the Program; and</p> <p>h) mechanisms for updating the Program as may be required from time to time.</p>	Compliant	Construction	<p>Submission of the Ambient Dust Monitoring Program to the Department of Planning and Environment on 12 March 2010.</p> <p>NSW Department of Planning letter to NCIG dated 8/03/2011 ref: 10/02150-5. Subject regarding NCIG Coal Export Terminal, Kooragang Island (MP 06_0009) - Ambient Dust Monitoring Program (Condition 3.2).</p> <p>NSW Department of Planning letter to NCIG dated 21/12/2011 ref: 10/02150-7. Subject regarding NCIG Coal Export Terminal, Kooragang Island (MP 06_0009) - Air Quality Model Validation Study (Condition 3.3).</p> <p>NCIG Operation Dust and Air Quality Management Plan</p>	Monitor implementation of NCIG Operation Dust and Air Quality Management Plan
3.3	Following one full year of data collection in accordance with an approved Ambient Dust Monitoring Program (refer to condition 3.2), the Proponent shall undertake a model validation study to review TSP, PM ₁₀ and dust deposition levels to assess compliance with the dust impact predictions made in the documents referred to under condition 1.1 and with applicable ambient air quality goals. The model validation study shall be undertaken in accordance with <i>Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales</i> (DEC, 2005), and any specific requirements of the EPA.	Not triggered	Operations	Not triggered during audit period - condition identified as complete.	NA
3.4	Within 28 days of conducting the dust validation study referred to under condition 3.3 of this approval, the Proponent shall provide the Director-General and the EPA with a copy of the report. If the dust validation study identifies significant deviance from the predictions made in the documents referred to under condition 1.1 or any exceedance with ambient air quality goals, the Proponent shall detail what additional measures would be implemented to further mitigate dust impacts. The Proponent shall clearly indicate who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be assessed and reported to the Director-General.	Not triggered	Operations	Not triggered during audit period - condition identified as complete.	NA
3.5	The requirements of conditions 3.3 and 3.4 shall be repeated once one year of dust monitoring data is available after the project exceeds an export rate of 33 million tonnes of coal per annum.	Not triggered	Operations	Not triggered during audit period - condition identified as complete.	NA
	Within 90 days of the commencement of operation of the project, or as otherwise agreed by the Director-General, and during a period in which the project is operating under normal operating conditions, the Proponent shall undertake a program to confirm the noise performance of the project. The noise program shall include, but not necessarily be limited to:				

Unique ID	Compliance Requirement	Compliance Status	Development Phase	Evidence and Comments	Monitoring Methodology
3.6	<p>a) noise monitoring, consistent with the guidelines provided in the <i>New South Wales Industrial Noise Policy</i> (EPA, 2000), to assess compliance with condition 2.13 of this approval.</p> <p>b) methodologies, locations and frequencies for noise monitoring;</p> <p>c) identification of monitoring sites at which pre- and post-project noise levels can be ascertained;</p> <p>d) details of any complaints and enquiries received in relation to noise generated by the project within the first 90 days of operation;</p> <p>e) an assessment of night-time use of audible alarm systems;</p> <p>f) a statement of whether the Site is in compliance with noise limits outlined in condition 2.13; and</p> <p>g) any additional noise mitigation measures and timetables for implementation.</p>	Not triggered	Operations	Not triggered during audit period - condition identified as complete.	NA
3.7	<p>Within 28 days of conducting the noise monitoring referred to under condition 3.6 of this approval, the Proponent shall provide the Director-General and the EPA with a copy of the report. If the noise monitoring report identifies any non-compliance with the noise limits imposed under this approval (refer condition 2.13), the Proponent shall detail what additional measures would be implemented to ensure compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the Director-General.</p>	Not triggered	Operations	Not triggered during audit period - condition identified as complete.	NA

Unique ID	Compliance Requirement	Compliance Status	Development Phase	Evidence and Comments	Monitoring Methodology
3.8	The requirements of conditions 3.6 and 3.7 shall be repeated within 90 days of the commencement of operation of each stage of the project, including the operation of the High Capacity Optional Inlet Rail Spur and Rail Sidings.	Not triggered	Operations	Not triggered during audit period - condition identified as complete.	NA
4.1	<p>Prior to the commencement of operation of the project, or within such period as otherwise agreed by the Director-General, the Proponent shall develop, in consultation with owner/ operator of the existing Kooragang Coal Loader, a Coordinated Environmental Monitoring and Management Protocol to provide a framework for the coordinated and cooperative monitoring and management of environmental impacts from the developments. The Protocol shall include, but not necessarily be limited to:</p> <p>a) procedures for access to, and provision of, monitoring data from each development, particularly in relation to dust and noise emissions;</p> <p>b) the respective remediation and redevelopment works;</p> <p>c) arrangements for coordinated and cooperative monitoring of ambient environmental impacts, including agreements relating to sharing of monitoring networks/ infrastructure, coordinated interpretation of monitoring results and coordination dissemination of monitoring results to relevant parties;</p> <p>d) measures to ensure a coordinated and cooperative approach to the management of common or cumulative environmental impacts from the developments;</p> <p>e) arrangements for communication between the parties, including designated contact persons and contact details;</p> <p>f) notification procedures in the event of an incident at either development that may impact on the other development, or generate a significant common or cumulative impact;</p> <p>g) any agreement for participation in the development of any of the management plans or monitoring programs required under this approval;</p> <p>h) mechanism for review of the Protocol from time to time; and</p> <p>i) such other matters as parties may agree.</p> <p>The Applicant shall provide a copy of the Protocol to the Director-General and the EPA and OEHS as soon as practicable after agreement on the terms of the Protocol.</p>	Compliant	Construction	<p>Submission of the Coordinated Environmental Monitoring and Management Protocol to the Director-General and DECCW on 21 December 2009.</p> <p>Approval of the Coordinated Environmental Monitoring and Management Protocol by Department of Planning on 07 June 2010.</p> <p>Coordinated Environmental Monitoring Management Protocol Meeting Minutes</p>	<p>Review quarterly Coordinated Environmental Monitoring and Management meeting minutes</p> <p>Monitor implementation of protocol</p>
4.2	Prior to the commencement of construction of any component of the project, or within such period as otherwise agreed by the Director-General, the Proponent shall develop, in consultation with RMS, a Coordinated Works Program to ensure that the requirements of this approval, and the conditions imposed on the development the subject of development consent DA-134-3-2003-i (dredging and remediation of the South Arm of the Hunter River) are met and coordinated where the relevant works are interrelated. The Program shall specifically focus on requirements for coordination of works in and around the Hunter River foreshore, ecological monitoring and management, and scheduling of dredging and fill/ preloading activities.	Not triggered	Prior to construction	Not triggered during audit period - condition identified as complete.	NA
4.3	<p>The proponent shall participate in any cumulative dust study that may be commissioned by the Department, in consultation with DECC. Any such study shall be focussed on cumulative dust impacts from major port and industrial sources in the Lower Hunter Estuary on potentially affected residential and sensitive receptors, with specific reference to receptors in Fern Bay, Stockton, Mayfield and Carrington. The extent of the Proponent's involvement in such a study shall be agreed with and to the satisfaction of the Director-General, and shall include, but not necessarily be limited to:</p> <p>a) provision of monitoring data associated with the environmental performance of the project;</p> <p>b) provision of management and auditing documentation associated with the project and relevant to the study;</p> <p>c) access to the project and relevant technical and environmental experts associated with the project;</p> <p>d) arrangements for any financial contributions to cover reasonable expenses associated with the study; and</p> <p>e) such other matter as the Proponent and Director-General may agree.</p>	Not triggered	At all times	Not triggered during audit period	NA
5.1	<p>The Proponent shall develop and implement a Compliance Tracking Program to track compliance with the requirements of this approval. The Program shall include, but not necessarily limited to:</p> <p>a) provisions for periodic review of the compliance status of the project against the requirements of this approval;</p> <p>b) provisions for periodic reporting of compliance status to the Director-General;</p> <p>c) a program for independent environmental auditing at least annually, or as otherwise agreed by the Director-General, in accordance with <i>ISO 19011:2002 - Guidelines for Quality and/ or Environmental Management Systems Auditing</i>; and</p> <p>d) mechanisms for rectifying any non-compliance identified during environmental auditing or review of compliance.</p>	Compliant	At all times	<p>NCIG Compliance Tracking Program 2018</p> <p>NSW Department of Planning and Environment letter dated 14/07/2016 regarding NCIG Compliance Tracking Program. Confirmation of independent environmental audit now being undertaken on three yearly basis.</p> <p>NCIG Independent Environmental Audit Report 2018</p>	Monitor and track the completion and submission of the NCIG Compliance Tracking Program
5.2	<p>The independent environmental audit referred to in condition 5.1c) shall:</p> <p>(a) be conducted by a suitable qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;</p> <p>(b) include consultation with the relevant agencies;</p> <p>(c) assess the environmental performance of the project and assess whether it is complying with the requirements of this approval, and any other relevant approvals and relevant EPL/s;</p> <p>(d) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals; and</p> <p>(e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy, plan or program required under these approvals.</p> <p>Note: This audit team must be led by a suitable qualified auditor, and include experts in biodiversity, air quality, noise, surface water and groundwater management and other fields as specified by the Director-General.</p>	Compliant	At all times	NCIG Independent Environmental Audit Report 2018	Monitor and track the completion and submission of the NCIG 2018 Independent Environmental Audit
6.1	Subject to confidentiality, the Proponent shall make all documents required under this approval available for public inspection on request.	Not triggered	At all times	No public requests were made for documents during the audit period, however NCIG's website contains all relevant documents (www.ncig.com.au)	<p>Monitor for relevant requests</p> <p>Review documents publicly available on NCIG website</p>
	<p>Prior to the commencement of construction of the project, the Proponent shall ensure that the following are available for community complaints and enquiries for the life of the project (including construction and operation):</p> <p>a) a telephone number on which complaints and enquiries about construction and operational activities at the Site may be registered.</p>			NCIG website (www.ncig.com.au)	Site observation of signage containing the relevant details

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6.2	<p>b) a postal address to which written complaints and enquires may be sent. c) an email address to which electronic complaints and enquiries may be transmitted.</p> <p>The telephone number, the postal address and the email address shall be displayed on a sign near the entrance to the Site, in a position that is clearly visible to the public, and which clearly indicates the purposes of the sign. This information is also to be provided on the Proponent's website.</p>	Compliant	At all times	Community Enquiries sign at main entrance and entrance to wharf.	Confirmation of the relevant details on the NCIG website
6.3	<p>The Proponent shall record details of all complaints received through the means listed under condition 6.2 of this approval in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:</p> <p>a) the date and time, where relevant, of the complaint. b) the means by which the complaint was made (telephone, mail or email). c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect.</p> <p>d) the nature of the complaint. e) record of operational and meteorological condition contributing to the complaint. f) any action(s) taken by the Proponent in relation to the complaint, including any follow-up contact with the complainant. g) if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.</p> <p>The Complaints Register shall be made available for inspection by the Director-General upon request.</p>	Compliant	At all times	NCIG Complaints Register	Review of NCIG Complaints Register
6.4	<p>The Proponent shall establish and maintain a new website, or dedicated pages within its existing website for the provision of electronic information associated with the project. The Proponent shall publish and maintain up-to-date information on this website or dedicated pages including, but not necessarily limited to:</p> <p>a) a copy of the documents referred to under condition 1.1 of this approval, and any documentation supporting modifications to this approval that may be granted from time to time; b) a copy of this approval and each relevant environmental approval, licence or permit required and obtained in relation to the project; c) a copy of each strategy, plan and program required under this approval; and d) the outcomes of compliance tracking in accordance with condition 5.1 of this approval.</p>	Compliant	At all times	NCIG website (www.ncig.com.au)	Confirmation of the relevant documents published on the website

Unique ID	Compliance Requirement	Compliance Status	Development Phase	Evidence and Comments	Monitoring Methodology
7.1	<p>Prior to the commencement of construction of the project, or otherwise agreed by the Director-General, the Proponent shall nominate a suitably qualified and experienced Environmental Representative(s) for the approval of the Director-General. The Proponent shall employ the Environmental Representative(s) on a full-time basis, or as otherwise agreed by the Director-General, during the operation of the project. The Environmental Representative(s) shall be:</p> <ul style="list-style-type: none"> a) the principal contact point in relation to the environmental performance of the project; b) responsible for all management plans and monitoring programs required under this approval; c) responsible for considering and advising on matters specified in the conditions of this approval, and all other licences and approvals related to the environmental performance and impacts of the project; d) responsible for receiving and responding to complaints in accordance with condition 6.2 of this approval; and e) given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to direct that relevant actions be ceased immediately should an adverse impact on the environment be likely to occur. 	Compliant	At all times	<p>NSW Planning letter dated 3.10.2007 RE: Appointment of Environmental Representative.</p> <p>Correspondence to the Department</p> <p>NCIG Operations Management Plans</p>	Monitor and confirm Environmental Representative is performing as described in this condition
7.2	<p>Prior to the commencement of construction of the project, the Proponent shall prepare and implement a Construction Environmental Management Plan to outline environmental management practices and procedures to be followed during construction of the project. The Plan shall be prepared in accordance with <i>Guideline for the Preparation of Environmental Management Plans</i> (DIPNR 2004) and shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> a) a description of all activities to be undertaken on the Site during construction including an indication of stages of construction, where relevant; b) statutory and other obligations that the Proponent is required to fulfil during construction including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies; c) details of how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan: <ul style="list-style-type: none"> i) measures to monitor and manage dust emissions; ii) measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to lands and/ or waters during construction activities; iii) measures to monitor and control noise emissions during construction works; iv) measures to monitor and manage groundwater impacts, particularly in the vicinity of the High Capacity Optional Inlet Rail Spur and Rail Sidings, and v) measures to monitor and manage potential Aboriginal Heritage impacts. d) a description of the roles and responsibilities for all relevant employees involved in the construction of the project; e) the additional studies listed under condition 7.3 of this approval; f) a traffic control plan to detail the various traffic control measures to be used for construction traffic access connections to the classified road network; and g) complaints handling procedures during construction. <p>The Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of any construction works associated with the project, or within such period otherwise agreed by the Director-General. Construction works shall not commence until written approval has been received from the Director-General.</p>	Not triggered	Prior to construction	Not triggered during audit period - condition identified as complete.	NA
7.3	As part of the Construction Environmental Management Plan for the project required under condition 7.2 of this approval, the Proponent shall prepare and implement the following:				
7.3(a)	<ul style="list-style-type: none"> a) where soil testing prior to the commencement of construction identifies the presence of acid sulfate soils, an Acid Sulfate Soil Management Plan prepared in accordance with guidance provided in <i>Acid Sulfate Soil Manual</i> (Acid Sulfate Soil Management Advisory Committee, 1998); 	Not triggered	Construction	Not triggered during audit period - condition identified as complete.	NA
7.3(b)	<ul style="list-style-type: none"> b) a Construction Surface Water Management Plan to detail how surface water and stormwater will be managed on the Site during construction. The Plan shall include use of appropriately-sized stormwater controls, in accordance with <i>Managing Urban Stormwater: Soils and Construction</i> (Landcom, 2004). The Plan shall include specific measures to avoid sediment-laden stormwater from entering Deep and Swan Ponds, wetland areas or the Hunter River, and a monitoring program for stormwater leaving the Site; 	Not triggered	Construction	Not triggered during audit period - condition identified as complete.	NA
	<ul style="list-style-type: none"> c) a Construction Noise Management Plan to detail how construction noise and vibration impacts would be minimised and managed, including, but not necessarily limited to: <ul style="list-style-type: none"> i) details of construction activities and a schedule for construction works; ii) identification of construction activities that have the potential to generate noise and/ or vibration impacts on surrounding land uses, particularly residential areas; iii) a detailed description of what actions and measures would be implemented to ensure that these works would comply with the relevant noise and vibration criteria/ guidelines; iv) procedures for notifying residents of construction activities that are likely to effect their noise and vibration amenity, as well as procedures for dealing with and responding to noise complaints; and 	Not triggered	Construction	Not triggered during audit period - condition identified as complete.	NA

Unique ID	Compliance Requirement	Compliance Status	Development Phase	Evidence and Comments	Monitoring Methodology
7.3(c)	v) a description of how the effectiveness of these actions and measures would be monitored during the proposed works, clearly indicating how often this monitoring would be conducted, how the results of this monitoring would be recorded; and, if any non-compliance is detected.				
7.3(d)	d) a Construction Traffic Management Protocol to detail how heavy vehicle movements associated with the project will be managed during construction, including Site preparation and fill/ preloading activities. The Protocol shall specifically address the movement of oversize loads to and from the Site, the management of construction traffic, restrictions to the hours of heavy vehicle movements to avoid road use conflicts, and the transport of construction waste materials. In addition to approval from the Director-General, the Construction Traffic Management Protocol shall be submitted for the approval of the RTA and Council.	Not triggered	Construction	Not triggered during audit period - condition identified as complete.	NA
7.3(e)	<p>e) a Construction Aboriginal Heritage Management Plan to detail how construction impacts on Aboriginal heritage will be minimised and managed. The plan shall be developed in consultation with the local Aboriginal Community, and include, but not necessarily be limited to:</p> <p>i) a commitment to provide opportunities for representatives of the local Aboriginal community to monitor any initial ground disturbance activities associated with previously undisturbed environments within the project area;</p> <p>ii) procedures for dealing with previously unidentified Aboriginal objects (excluding human remains) including cessation of works in the vicinity, assessment of the significance of the item(s) and determination of appropriate mitigation measures including when works can re-commence by a suitably qualified archaeologist in consultation with the Department, OEH and the local Aboriginal community, and registering of the new site in the OEH's Aboriginal Heritage Information Management System (AHIMS) register;</p> <p>iii) procedures for dealing with human remains, including cessation of works in the vicinity and notification of the Department, NSW Police, OEH and local Aboriginal community and not recommencing any works in the area unless authorised by the OEH and/or the NSW Police; and</p> <p>iv) heritage training and induction processes for construction personnel (including procedures for keeping records of inductions) and obligations under the conditions of this approval including site identification, protection and conservation of Aboriginal cultural heritage;</p>	Not triggered	Construction	Not triggered during audit period - condition identified as complete.	NA

Unique ID	Compliance Requirement	Compliance Status	Development Phase	Evidence and Comments	Monitoring Methodology
7.4	In the event that construction of the project is staged or phased up to the maximum capacity specified under condition 1.5, the requirements of conditions 7.2 and 7.3 shall be repeated prior to the commencement of construction.	Not triggered	At all times	Not triggered during audit period - condition identified as complete.	NA
7.5	<p>Prior to the commencement of operation of the project, the Proponent shall prepare and submit for the approval of the Director-General an Operation Environmental Management Plan (OEMP) to detail an environmental management framework, practices and procedures to be followed during the operation of the project. The Plan shall be consistent with the Department's Guideline for the Preparation of Environmental Management Plans (DIPNR 2004), and shall include, but not necessarily be limited to:</p> <p>a) a description of all activities to be undertaken on the Site during operation including an indication of stages of operation, where relevant;</p> <p>b) statutory and other obligations that the Proponent is required to fulfil during operation including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;</p> <p>c) details of how the environmental performance of the operations will be monitored, and what actions will be taken to address identified adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan:</p> <p>i) measures to monitor and manage dust emissions;</p> <p>ii) measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to lands and/ or waters during operation;</p> <p>iii) measures to monitor and control noise emissions during operation;</p> <p>iv) measures to monitor and manage retained onsite native vegetation and habitat.</p> <p>d) a description of the roles and responsibilities for all relevant employees involved in the operation of the project;</p> <p>e) the additional studies listed under condition 7.6 of this approval; and</p> <p>f) complaints handling procedures during operation.</p> <p>The Operation Environmental Management Plan shall be made available for inspection by the public upon request following its approval by the Director-General.</p>	Compliant	Operations	<p>NCIG Operation Environmental Management Plan</p> <p>Department of Planning letter to NCIG dated 30/07/2010 ref: 10/02150-2 Regarding Operational Environmental Management Plan & Sub Plans (Condition 7.5 & 7.6). Satisfies conditions 7.5 and 7.6</p>	<p>Monitor implementation of Operation Environmental Management Plan</p> <p>Operation Environmental Management Plan Audit</p>
7.6	As part of the Operation Environmental Management Plan for the project required under condition 7.5 of this approval, the Proponent shall prepare and implement the following:				
7.6(a)	<p>a) a Dust Management Plan to outline measures to minimise and manage any impacts from the operation of the project on local air quality. The Plan shall include, but not necessarily be limited to:</p> <p>i) identification of all major sources of dust emissions that may occur as result of the operation of the project;</p> <p>ii) description of the procedures to manage the dust emissions from the sources identified;</p> <p>iii) identification of the locations where monitoring of dust emissions is to be undertaken;</p> <p>iv) procedures for monitoring dust emissions from the project, in accordance with the requirements of this approval and the Environment Protection Licence for the project;</p> <p>v) protocols for regular maintenance of plant and equipment, to minimise the potential for fugitive dust emissions; and</p> <p>vi) description of procedures to be undertaken if any non-compliance is detected.</p>	Compliant	Operations	<p>NCIG Operation Dust and Air Quality Management Plan</p> <p>Department of Planning letter to NCIG dated 30/07/2010 ref: 10/02150-2 Regarding Operational Environmental Management Plan & Sub Plans (Condition 7.5 & 7.6). Satisfies conditions 7.5 and 7.6</p>	<p>Monitor implementation of Operation Dust and Air Quality Management Plan</p> <p>Operation Dust and Air Quality Management Plan Audit</p>
7.6(b)	<p>b) a Noise Management Plan to outline monitoring, management procedures and measures to minimise total operational noise emissions from the project. The Plan shall also include, but not necessarily be limited to:</p> <p>i) identification of all relevant receivers and the applicable criteria at those receivers commensurate with the noise limits specified under this approval;</p> <p>ii) identification of activities that will be carried out in relation to the project and the associated noise sources;</p> <p>iii) assessment of project noise impacts at the relevant receivers against the noise limits specified under this approval;</p> <p>iv) details of all management methods and procedures that will be implemented to control individual and overall noise emissions from the Site during the project;</p> <p>v) details regarding the procurement process to guarantee that equipment levels meet the noise levels as provided in the documents listed in condition 1.1;</p> <p>vi) development of reactive and pro-active strategies for dealing promptly with any noise complaints;</p> <p>vii) noise monitoring and reporting procedures; and</p> <p>viii) regular internal audits of compliance of all plant and equipment with acceptable design noise.</p>	Compliant	Operations	<p>NCIG Operation Noise Management Plan</p> <p>Department of Planning letter to NCIG dated 30/07/2010 ref: 10/02150-2 Regarding Operational Environmental Management Plan & Sub Plans (Condition 7.5 & 7.6). Satisfies conditions 7.5 and 7.6</p>	<p>Monitor implementation of Operation Noise Management Plan</p> <p>Operation Noise Management Plan Audit</p>
7.6(c)	<p>c) a Water Management Plan to outline the water management system for the Site. The Plan shall include, but not necessarily be limited to:</p> <p>i) predicted Site water balance including the water supply system;</p> <p>ii) details regarding water management structures such as settling ponds, water tanks and the water management system for dredge sea water;</p> <p>iii) locations and design specifications for all water diversions from undisturbed runoff areas including channel design and stabilisation, sediment retention storages and other structures;</p> <p>iv) details on the internal drainage system including bunding, drainage channels, dewatering sumps and any pipelines;</p> <p>v) procedures for the management of groundwater encountered on Site and any temporary dewatering facilities; and</p> <p>vi) procedures to be implemented to minimise potential surface water impacts.</p>	Compliant	Operations	<p>NCIG Operation Water Management Plan</p> <p>Department of Planning letter to NCIG dated 30/07/2010 ref: 10/02150-2 Regarding Operational Environmental Management Plan & Sub Plans (Condition 7.5 & 7.6). Satisfies conditions 7.5 and 7.6</p>	<p>Monitor implementation of Operation Water Management Plan</p> <p>Operation Water Management Plan Audit</p>
	<p>d) a Spontaneous Combustion Management Protocol to outline measures to minimise and manage the spontaneous combustion of the coal stockpiles. The Plan shall include, but not necessarily be limited to:</p> <p>i) coal stockpile management measures;</p> <p>ii) monitoring of potential causes of spontaneous combustion events; and</p>			<p>NCIG Operation Spontaneous Combustion Management Plan</p>	<p>Monitor implementation of Operation Spontaneous</p>

Unique ID	Compliance Requirement	Compliance Status	Development Phase	Evidence and Comments	Monitoring Methodology
7.6(d)	iii) corrective action in the event of spontaneous combustion.	Compliant	Operations	Department of Planning letter to NCIG dated 30/07/2010 ref: 10/02150-2 Regarding Operational Environmental Management Plan & Sub Plans (Condition 7.5 & 7.6). Satisfies conditions 7.5 and 7.6	Combustion Management Plan Operation Spontaneous Combustion Management Plan Audit
7.7	The Operation Environmental Management Plan required under conditions 7.5 and 7.6 shall periodically reviewed and maintained, to reflect any phasing of implementation of the project, and any operational changes that may be made from time to time.	Compliant	Operations	NCIG Operation Environmental Management Plan and associated sub plans	Audit of Operation Environmental Management Plan and sub plans
8.1	The Proponent shall notify the Director-General of any incident with actual or potential significant off-site impacts on people or the biophysical environment as soon as practicable after the occurrence of the incident. The Proponent shall provide written details of the incident to the Director-General within seven days of the date on which the incident occurred.	Not triggered	At all times	No incidents with actual or potential significant off-site impacts on people or the biophysical environment were identified during the audit period. NCIG Internal Incident Register	Track and review all incidents contained in the NCIG Incidents Register
8.2	The Proponent shall maintain a register of accidents, incidents and potential incidents with actual or potential significant off-Site impacts on people or the biophysical environment. The register shall be made available for inspection at any time by the independent qualified person or team conducting the Environmental Audit and/or the Director-General.	Compliant	At all times	NCIG Internal Incidents Register	Monitor and review NCIG Incident Register
8.3	The Proponent shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this approval, reported in accordance with condition 8.1 of this consent, within such period as the Director-General may agree.	Not triggered	At all times	Not triggered during audit period	Monitor correspondence from Department